

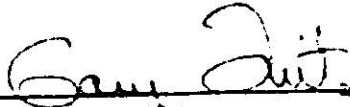
EXHIBIT "A"

BEFORE THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA

IN THE MATTER OF APPLICATION)	
FOR BENEFICIAL WATER USE PERMIT)	
NO. 14598-s41D BY DIVIDE-)	FINAL ORDER
KAMBICH CO.)	

There being no objections or comments to the Proposed Order entered in this matter, the same is hereby made final and the contents of said Proposed Order are hereby incorporated herein and made a part hereof for all purposes.

DONE this 1st day of June, 1981.



Gary Fritz, Administrator
Water Resources Division
Department of Natural Resources
and Conservation
32 S. Ewing, Helena, MT, 59601
(406) 449-2872

BEFORE THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER OF APPLICATION FOR)
BENEFICIAL WATER USE PERMIT) PROPOSED ORDER
NO. 14598-s41D BY)
DIVIDE-KAMBICH CO.)

* * * * *

On August 10, 1977, Application for Beneficial Water Use Permit No. 14598-s41D was filed with the Department of Natural Resources and Conservation on behalf of Divide-Kambich Co. Timely objections were filed on behalf of the United States of America, Department of the Interior, Bureau of Reclamation, (now known as Water and Power Resources Service), and the Montana Department of Fish and Game. The Bureau of Reclamation alleged generally that there was insufficient unappropriated water available and that diversions pursuant to the Application would work injury to its claimed water rights. The Montana Department of Fish and Game alleged that the use of water pursuant to the Application would adversely affect the fishery resource in the Big Hole River.

The Application was duly published in the Montana Standard, a newspaper of general circulation printed and published in Butte, Montana. A hearing in this matter was scheduled for May 7, 1981.

It now appears that the parties hereto are in agreement as to the proper disposition of this Application. The objectors to this matter, while not withdrawing their objections, and while reserving all such rights that they may have in law or equity, consent to the issuance of a provisional permit "subject to prior

and existing rights and any final determination of existing rights provided by Montana Law." The Applicant has also apparently agreed to this disposition of its Application. The Department of Natural Resources and Conservation has also interposed no objections so long as the following conditions are observed.

WHEREFORE, the following proposed order is hereby issued:

Subject to the terms and limitations described herein, Application for Beneficial Water Use Permit No. 14598-s41D is hereby granted to Divide-Kambich Co. to appropriate two (2) cubic feet per second (900 gallons per minute) up to 35 acre feet per year for the new sprinkler irrigation of a total of 23 acres, more or less. The points of diversion shall be located in the S1/2 NE1/4 NW1/4 of Section 13, Township 1 South, Range 10 West, M.P.M., in Silver Bow County and in SW1/4 NW1/4 NE1/4 of Section 20, Township 1 South, Range 9 West, M.P.M., in Silver Bow County. The source of supply shall be "waste water" derived from the structure known as the Shelton Kambich Ditch. The place of use shall be two (2) acres more or less in the SE1/4 of Section 20, Township 1 South, Range 9 West and 21 acres more or less in the NE1/4 of Section 29, Township 1 South, Range 9 West. The Applicant shall use the Water granted herein only within the period of May 1 to October 1, inclusive, of each year. The priority date of this Permit shall be August 10, 1977, at 11:49 a.m.

This Provisional Permit is issued subject to the following express conditions and limitations:

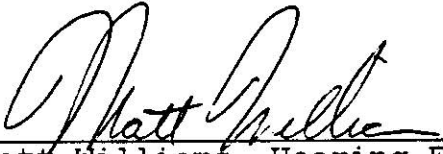
1. This provisional permit is subject to all prior and existing rights and any final determination of existing rights made pursuant to Montana law. Nothing herein shall be construed to authorize the Permittee to use or divert water to the detriment of any valid senior right.
2. The issuance of this provisional permit in no way reduces or limits Permittee's liability for damages caused by the Permittee's exercise of this provisional permit, nor does the Department in issuing this provisional permit in any way acknowledge liability for damage caused by the Permittee's exercise of this provisional permit.
3. Permittee in no event shall cause to be diverted or used more water than is reasonably required for the irrigation of the lands described herein. Permittee shall not obstruct or interfere with the flow of any waters when it is not required for the purposes described herein.
4. Failure to observe the terms and conditions described herein may be cause for revocation of this provisional permit.
5. Permittee shall proceed with reasonable diligence in completing its diversion works and in actually applying the water granted herein to beneficial use.

NOTICE

This Proposed Order is offered for the review and comment of all parties of record. The review and comment period shall commence with the service of this Proposed Order and shall end ten (10) days thereafter. No extensions of time for comment will be granted.

The final Order in this matter will be sent to all parties by Certified Mail.

The Department's Final Order may be appealed in accordance with the Montana Administrative Procedures Act by filing a Petition in the appropriate court within thirty (30) days after service of the Final Order.

A handwritten signature in cursive script, appearing to read "Matt Williams", is written over a horizontal line.

Matt Williams, Hearing Examiner
Department of Natural Resources
and Conservation